

**Speaking Points for
Representative Scott Boggio
House Bill 177**

- I am presenting HB 177 for your consideration at the request of Secretary of State Brad Johnson.
- In 1999 the legislature enacted the Montana Electronic Transactions with State Agencies and Local Governmental Units Act. That Act provided state agencies and local governments rulemaking authority for the acceptance of electronic records and electronic signatures, as well as requiring the Secretary of State to register certification authorities and repositories.
- This bill will repeal that Act.
- In 2001 the legislature enacted the Uniform Electronic Transactions Act (UETA), which has really replaced the previous Act. Therefore we are seeking to amend UETA to include certain provisions and definitions contained in the Montana Electronic Transactions with State Agencies and Local Governmental Units Act and then repeal that Act.
- The Secretary of State has adopted rules for the registration of certification authorities as required and as of today not a single entity has registered in the State of Montana as a certification authority.
- With the enactment of UETA we believe that the Montana Electronic Transactions with State Agencies and Local Governmental Units Act is no longer necessary and can be repealed.
- I am also presenting an amendment to this bill today which I will ask the Committee to offer and adopt during its consideration of the bill in executive action.
- After the bill was introduced it came to our attention that the Montana Department of Transportation (MDT) had adopted rules for the acceptance of electronic signatures pursuant to authority granted in the Montana Electronic Transactions with State Agencies and Local Governmental Units Act. MDT desires to continue to operate as it has in relation to the rules it has previously adopted so it will be necessary to move the rule making authority of agencies into UETA. Once this bill becomes law MDT will adopt its current rules under this new authority and the Secretary of State will repeal its rules related to registration of certification authorities.

Proposed Amendment to HB 177.

(1) **Insert material following stricken material.**

1. Page 3, line 16.

Following: "secretary of state"

Insert: "or any agency of the state of Montana"